



Docket No.: M4065.0383/P383
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kie Y. Ahn, et al

Application No.: 09/835,643

Group Art Unit: 2826

Filed: April 17, 2001

Examiner: L. Andujar

For: LOW-LOSS COPLANAR WAVEGUIDES
AND METHOD OF FABRICATION

#9/B(NE)
DEVIANS
6-5-03

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT AND
AMENDMENT UNDER 37 CFR 1.116

Box AF
Commissioner for Patents
Washington, DC 20231

Dear Sir:

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In response to the Office Action dated March 19, 2003 (Paper No. 7), finally rejecting claims 1-3, 10, and 11, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the list of claims which begins on page 2 of this paper.

Response to Election/Restriction Requirement begins on page 12 of this paper.

Remarks begin on page 13 of this paper.

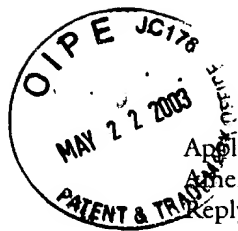
05/27/2003 KZEWDIE 00000031 09835643

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01/27/2003 : DEVIANS 00000003 041073 09835643

01/27/2003 : 168.00 CH 18.00 CH 2021:23:30



Application No.: 09/835,643
Amendment dated May 22, 2003
Reply to Office Action of March 19, 2003

Docket No.: M4065.0383/P383

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

In the Office Action dated March 19, 2003 (Paper No. 7), the Examiner stated that "claims 92-109 are directed to an invention that is independent or distinct from the originally claimed invention for the following reasons: new claims 92-109 are directed to two different and patentable species from the originally elected group in paper no. 4, now species 1. Claims 92-105 are directed to species 2 and claims 106-109 are directed to species 3." (Office Action at 2). The Examiner also withdrew claims 92-109 from consideration as being directed to a non-elected invention. Applicants elect species 1 with traverse.

Applicants respectfully direct the Examiner's attention to MPEP § 803, which provides that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on its merits, even though it includes claims to independent or distinct inventions." (emphasis added). Claims 1-44 and 92-109 all relate to a method of forming a coplanar waveguide, defining closely related subject matter. New independent claim 110 highlights the close relationship of the subject matter of species 1, 2, and 3. New claim 110 recites all limitations of claim 1, as well as all limitations of claim 92. Moreover, independent claim 106 includes all limitations of independent claim 92, which is generic to species 2 and 3. Thus, even if claims 1-44, 92-105, and 106-109 would be directed to independent or distinct inventions, it is clear that the search and examination of the entire application can be made without serious burden.

In view of the above, the election requirement should be withdrawn and all claims 1-44 and 92-110 should be examined.



AMENDMENT TRANSMITTAL LETTER

Docket No.
M4065.0383/P383

Application No.
09/835,643-Conf. #4830

Filing Date
April 17, 2001

Examiner
L. Andujar

Art Unit
2826

Applicant(s): Kie Y. Ahn, et al

Invention: LOW-LOSS COPLANAR WAVEGUIDES AND METHOD OF FABRICATION

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	45	- 62 =		x	0.00
Independent Claims	12	- 5 =	7	x 84.00	588.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					588.00

☒ Large Entity

☐ Small Entity

☐ No additional fee is required for this amendment.

☐ Please charge Deposit Account No. _____ in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.

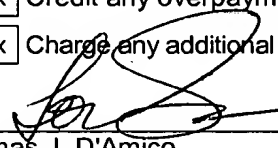
☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 04-1073
as described below. A duplicate copy of this sheet is enclosed.

☒ Credit any overpayment.

☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.


Thomas J. D'Amico
Attorney Reg. No.: 28,371

Dated: May 22, 2001

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SAF/2826

PTO/SB/17 (01-03)
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FEE TRANSMITTAL for FY 2003 <small>Patent fees are subject to annual revision.</small>		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/835,643-Conf. #4830
TOTAL AMOUNT OF PAYMENT (\$)		Filing Date	April 17, 2001
588.00		First Named Inventor	Kie Y. Ahn
		Examiner Name	L. Andujar
		Group Art Unit	2826
		Attorney Docket No.	M4065.0383/P3885
METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)	
<input type="checkbox"/> Check <input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		3. ADDITIONAL FEES	
<input checked="" type="checkbox"/> Deposit Account		Large Entity Small Entity	
Deposit Account Number: 04-1073		Fee Code Fee (\$) Fee Code Fee (\$)	
Deposit Account Name: Dickstein Shapiro Morin & Oshinsky LLP		Fee Description	
The Commissioner is hereby authorized to: (check all that apply)		1051 130 2051 65 Surcharge - late filing fee or oath	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments		1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet.	
<input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application		1053 130 1053 130 Non-English specification	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		1812 2,520 1812 2,520 For filing a request for ex parte reexamination	
FEE CALCULATION		1804 920* 1804 920* Requesting publication of SIR prior to Examiner action	
1. BASIC FILING FEE		1805 1,840* 1805 1,840* Requesting publication of SIR after Examiner action	
Large Entity Small Entity		1251 110 2251 55 Extension for reply within first month	
Fee Code Fee (\$)	Fee Code Fee (\$)	1252 410 2252 205 Extension for reply within second month	
1001 750 2001 375	Utility filing fee	1253 930 2253 465 Extension for reply within third month	
1002 330 2002 165	Design filing fee	1254 1,450 2254 725 Extension for reply within fourth month	
1003 520 2003 260	Plant filing fee	1255 1,970 2255 985 Extension for reply within fifth month	
1004 750 2004 375	Reissue filing fee	1401 320 2401 160 Notice of Appeal	
1005 160 2005 80	Provisional filing fee	1402 320 2402 160 Filing a brief in support of an appeal	
SUBTOTAL (1) (\$)		1403 280 2403 140 Request for oral hearing	
0.00		1451 1,510 1451 1,510 Petition to institute a public use proceeding	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE		1452 110 2452 55 Petition to revive - unavoidable	
Total Claims 45 -62** = 7 x Fee from below 84.00 = 588.00		1453 1,300 2453 650 Petition to revive - unintentional	
Independent Claims 12 -5** = 7 x Fee from below 84.00 = 588.00		1501 1,300 2501 650 Utility issue fee (or reissue)	
Multiple Dependent		1502 470 2502 235 Design issue fee	
Large Entity Small Entity		1503 630 2503 315 Plant issue fee	
Fee Code Fee (\$)	Fee Code Fee (\$)	1460 130 1460 130 Petitions to the Commissioner	
1202 18 2202 9	Claims in excess of 20	1807 50 1807 50 Processing fee under 37 CFR 1.17(q)	
1201 84 2201 42	Independent claims in excess of 3	1806 180 1806 180 Submission of Information Disclosure Stmt	
1203 280 2203 140	Multiple dependent claim, if not paid	8021 40 8021 40 Recording each patent assignment per property (times number of properties)	
1204 84 2204 42	** Reissue independent claims over original patent	1809 750 2809 375 Filing a submission after final rejection (37 CFR 1.129(a))	
1205 18 2205 9	** Reissue claims in excess of 20 and over original patent	1810 750 2810 375 For each additional invention to be examined (37CFR 1.129(b))	
SUBTOTAL (2) (\$)		1801 750 2801 375 Request for Continued Examination (RCE)	
588.00		1802 900 1802 900 Request for expedited examination of a design application	
**or number previously paid, if greater; For Reissues, see above		Other fee (specify)	
SUBMITTED BY		Complete (if applicable)	
Name (Print/Type) Thomas J. D'Amico		Registration No. 28,371	
Signature		Telephone (202) 828-2232	
		Date May 22, 2003	

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